

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
<b>(1055 W. Joppa Road)</b>		
9 <sup>th</sup> Election District	*	OFFICE OF
5 <sup>th</sup> Council District		
Chestnut Real Estate Partnership,	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Petitioner	*	FOR BALTIMORE COUNTY
	*	<b>Case No. 2015-0126-SPH</b>

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**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of the Chestnut Real Estate Partnership (“Petitioner”), which owns and operates the Blakehurst Life Care Community facility at 1055 W. Joppa Road, Towson, Maryland, 21204. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) and Development Management Policy Manual Policy No. 1.e, and seeks the following relief:

- To amend the prior approved special exception and related zoning plan in Case No. 89-89-XA; and to amend the most recently approved Final Development Plan (FDP); and
- To approve a “material amendment” to the most recently approved Amended CRG Plan.

Appearing at the public hearing in support of the requests were Robert Perry, Roberta McMennomin, Glen Tipton, Curt Wagner, J. Ross Nichols, and Michael Pieranunizi, with Century Engineering, the firm that prepared the plan. Patricia A. Malone, Esquire, with Venable, LLP, appeared and represented the Petitioner. Several members of the community were in attendance at the hearing to obtain additional information concerning the project. The Petition was advertised

and posted as required by the Baltimore County Zoning Regulations. There were no substantive Zoning Advisory Committee (ZAC) comments received from any of the County reviewing agencies.

The Blakehurst Life Care Community was first approved by Baltimore County on September 8, 1988. Since that time, there have been various additions and improvements to the facility, and the site plans have been amended on several occasions in the ensuing years.

In this case, Blakehurst does not actually seek any substantive zoning relief. In other words, the Petitioner is not seeking a variance or special exception, as is usually the case in a zoning hearing. Instead, the relief sought in the present case is in the nature of a “housekeeping” measure. That is, Blakehurst merely seeks to amend the special exception and zoning plan approved in 1989 in Case No. 89-89-XA, and to amend the most recently approved Final Development Plan (FDP).

In terms of substantive relief, Blakehurst filed simultaneously with this zoning petition a request to amend the County Review Group (CRG) Plan for the retirement community, which would involve the construction of a building addition to provide (among other things) an additional eight (8) patient beds for memory care treatment. That request was approved by separate Order in PAI Case No. 09-0522.

THEREFORE, IT IS ORDERED this 29<sup>th</sup> day of April, 2015, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R) seeking the following relief:

- To amend the prior approved special exception and related zoning plan in Case No. 89-89-XA, in accordance with the terms of the Order and 6<sup>th</sup> Amended CRG Plan approved in PAI Case NO. 09-0522, dated April 29, 2015; and

- To amend the most recently approved Final Development Plan (FDP), in accordance with the terms of the Order and 6<sup>th</sup> Amended CRG Plan approved in PAI Case No. 09-0522, dated April 29, 2015,

be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R), to approve a “material amendment” to the most recently approved Amended CRG Plan, be and is hereby DISMISSED WITHOUT PREJUDICE. The 6<sup>th</sup> Amended CRG Plan for the Blakehurst Life Care Community was approved by separate Order in PAI Case No. 09-0522, dated April 29, 2015.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must provide notice to both the West Towson Community Association and those community members in attendance at the hearing (a list of the citizens’ names and addresses will be provided to Petitioner’s counsel) in the same fashion and at the same time as the notice provided to those parties identified in the Eighth Addendum to Restrictive Covenant Agreement, Petitioner’s Exhibit 3, at pp. 2-3.

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Signed  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB/dlw